

TOWN of *Greenville* MAINE PLANNING BOARD

NOTICE OF DECISION

June 14, 2021

Scott Harding / Moosehead Properties
38 Moosehead Lake Rd.
Greenville, ME 04441

Dear Mr. Harding,

This is to inform you that the Town of Greenville Maine Planning Board (hereinafter Planning Board), at its June 14, 2021 meeting, acted on your Conditional Use Permit Application (hereinafter Application).

Project Description: Scott Harding (hereinafter Applicant) is proposing to construct [2] two commercial storage units that will be 40'W x 60'L (hereinafter Activity) at 38 Moosehead Lake Rd., Map 15 Lot 48 (hereinafter Property). These will be constructed on the piece of land that is in the Village District [where allowed by a Conditional Use Permit]. Coverage of property cannot exceed 50% of non-vegetative surface. Will be deeding piece of land from 40 Moosehead Lake Rd and add to property at 38 Moosehead Lake Rd. Will then merge this into one lot at 38 Moosehead Lake Rd.

Process:

- a) 02/08/2021: Applicant pre-permit meeting with Planning Board.
- b) 05/11/2021: Application received.
- c) 05/24/2021: Application deemed complete by Code Enforcement Officer (hereinafter CEO).
- d) 05/26/2021: Application scheduled for Planning Board review meeting on 06/14/2021.
- e) 05/26/2021: Property abutters sent certified letter notifying them that an Application has been received and will be reviewed on 06/14/2021.
- f) 06/02/2021: CEO talked with abutting property owner Jeri Ann Fitzpatrick. Explained the proposed project. She wanted to know where the storage units would be built. I explained where they would be located and they will be at least 15' from her property line. I invited her to attend the meeting.
- g) 06/14/2021: Planning Board reviews Application. Conduct site visit with Applicant at 4pm. Three Planning Board members and CEO in attendance. Review Application at meeting. There were no abutting property owners in attendance in person or via Zoom. Mr. Harding was in attendance at the meeting. Planning Board had a few questions for the Applicant. Hearing no other concerns or questions, the Planning Board reviews 18 items on Permit Review Criteria form. By a vote of 5-0, the Planning Board approves Application with conditions listed at the end of Notice of Decision.

Greenville Planning Board Notice of Decision for Scott Harding Moosehead Properties (6/14/2021)

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Findings of Fact and Conclusions:

1. The Planning Board concludes the owner of the Property is Scott Harding.
2. The Planning Board concludes the Property is located at 38 Moosehead Lake Rd, M16 L48.
3. The Planning Board concludes the Applicant has demonstrated a legal interest in the Property by providing a Deed, Book 2551 Page 111.

4. Relevant sections of the Land Use Ordinance for the Town of Greenville Amended 2019:

- a) Article III, Permitting Requirements and Procedures, Section 10: Planning Board Review of Conditional Uses and Subdivisions, and Section 11: Planning Board Review of Conditional Uses.
- **Pollution.** The proposed activity shall not result in undue water or air pollution. In making this determination the Board shall consider:
 - a. the elevation of the land above sea level and its relation to the floodplains;
 - b. the nature of soils and sub-soils and their ability to adequately support waste disposal;
 - c. the slope of the land and its effect on effluents;
 - d. the availability of streams for disposal of effluents; and
 - e. the applicable state and local health and water resources rules and regulations.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 1.

- **Sufficient Water.** The proposed activity shall have sufficient water available for the reasonably foreseeable needs of the proposed development.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 2.

- **Municipal Water Supply.** The proposed activity shall not cause an unreasonable burden on an existing public water supply, if one is to be used.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 3.

- **Erosion.** The proposed activity shall not cause unreasonable soil erosion, erosion or sedimentation to surface waters, or a reduction in the land's capacity to hold water so that dangerous or unhealthy situation results. The best management practices set forth in the "Maine Erosion and Sedimentation Control Handbook for Construction Practices" (Cumberland County Soil and Water Conservation District, Department of Environmental Protection, March 1991, or as revised) shall be used as a guide for compliance with this requirement.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 4.

- **Transportation.** The proposed activity shall not cause unreasonable highway or public road congestion, or unsafe conditions with respect to the use of highways, public roads, sidewalks, parking areas, or loading and unloading areas, existing or proposed. The proposed activity shall not cause unsafe conditions for motor vehicles, bicycles and pedestrians within a development.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 5.

- **Sewage Disposal.** The proposed activity shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on public services if they are to be utilized.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 6.

- **Municipal Solid Waste Disposal.** The proposed activity shall not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are to be utilized.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 7.

- **Aesthetic, Cultural and Natural Values.** The proposed activity to the maximum extent possible shall not have an undue adverse effect on the scenic or natural beauty of the area; aesthetics; archaeological and historic sites; spawning grounds, fish, aquatic life, bird or other wildlife habitat; significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town; rare and irreplaceable natural areas; or any public rights for physical or visual access to the shoreline. The proposed activity, to the maximum extent possible, shall conserve shore cover.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 8.

- **Ordinances and Plans.** The proposed activity shall conform with all applicable ordinances, and the Comprehensive Plan. In making this determination, the Planning Board may interpret these ordinances and plans.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 9.

- **Financial and Technical Capacity.** The applicant shall have adequate financial resources and technical capacity to meet the standards and criteria of this Ordinance.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 10.

- **Groundwater.** The proposed activity shall not alone, or in conjunction with existing activities, affect the quality or quantity of ground water.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 11.

- **Flood Areas.** The proposed activity shall not adversely affect floodplain areas as depicted on the Federal Emergency Management Agency Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and the proposal shall conform to the applicable requirements of the Town of Greenville Floodplain Management Ordinance.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 12.

- **Freshwater Wetlands.** The proposed activity shall not have an undue adverse impact on freshwater wetlands.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 13.

- **Water Bodies.** The proposed activity shall not have an undue adverse impact on any water body such as a lake, pond, river, or stream.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 14.

- **Stormwater.** The proposed activity shall provide for adequate stormwater management. The best management practices set forth in the "Stormwater Management for Maine" (Department of Environmental Protection, State of Maine, January 2006, or as revised) shall be used as a guide for compliance with this requirement.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 15.

- **Adjacent Land Uses.** The proposed activity shall not have a significant detrimental effect on adjacent land uses or properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors, or other effects.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 16.

- **Financial Burden on Town.** The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 17.

- **Harmonious Fit.** Development site designs shall relate harmoniously to Greenville's traditional land uses and landscape to ensure there will be no undue adverse effect on existing uses, scenic character, and the natural and historic resources likely to be affected by the proposal. The community's unique characteristics shall not be compromised by standardized or franchise designs, or overpowered by very large structures.

By a vote of 5-0, the Planning Board concludes the Activity will meet Criterion 18.

- b) Article III, Permitting Requirements and Procedures, Table III-I Application Requirements For Conditional Use Permits. The Planning Board used the above Application Requirements with the exception of lines 6, 7, and 14, which were waived by the Planning Board. (See Application)
- c) Article V, Land Use Districts and Requirements, Section 4, District Purposes: C, Village District. The Planning Board concludes the Property is in the Village District.
- d) Article V, Land Use Districts and Requirements, Table V-1, page 8, Self-Storage Facility. The Planning Board concludes a Conditional Use Permit is required for the Activity.
- e) **Article VI. All Areas: Performance and Design Standards**

SECTION 1. LAND NOT TO BE INCLUDED IN THE CALCULATION OF LOT AREA.

Findings: Property not in Shoreland Zone and no land beneath a road serving more than 2 lots.

Conclusion: The Planning Board concludes Article VI Section 1 is not applicable.

SECTION 2. WATER SUPPLY AND QUALITY.

Findings and Conclusion: Activity will not utilize any public or private water. Activity will not harm any public or private water. This section was waived by the Planning Board. (Found in Application)

Conclusion: The Planning Board concludes Article VI Section 2 is not applicable.

SECTION 3. SEWAGE DISPOSAL.

Findings: Activity will not utilize any public or private sewage. This section was waived by the Planning Board. (Found in Application)

Conclusion: The Planning Board concludes Article VI Section 3 is not applicable.

SECTION 4. STORMWATER RUNOFF.

Findings: The Applicant shall institute Best Management Practices and will adhere to the guidelines found in Land Use Ordinance for the Town of Greenville, as amended.

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Activity will satisfy the requirements of Article VI Section 4.

SECTION 5. EROSION AND SEDIMENTATION CONTROL.

Findings: The Applicant shall institute Best Management Practices and will adhere to the guidelines found in Land Use Ordinance for the Town of Greenville, as amended, for remedy

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Activity will satisfy the requirements of Article VI Section 5.

SECTION 6. SOLID WASTE DISPOSAL

Findings: Activity will not generate any solid waste.

Conclusion: The Planning Board concludes Article VI Section 6 is not applicable.

SECTION 7. TRAFFIC ACCESS, CIRCULATION, AND PARKING.

Findings: Activity will utilize existing entrance. Applicant has received a Maine D.O.T. Driveway entrance permit.

Conclusion: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 7.

SECTION 8. BUFFER AREAS.

Findings: The Planning Board did not include any buffer area for the Activity.

Conclusions: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 8.

SECTION 9. RECREATIONAL FACILITIES, PARKS AND RECREATION, CAMPGROUNDS, INDIVIDUAL PRIVATE CAMPSITES, AND USE OF RECREATIONAL TRAILERS.

Findings and Conclusion: The Planning Board concludes Article VI Section 9 is not applicable.

SECTION 10. HOME OCCUPATIONS.

Findings and Conclusion: The Planning Board concludes Article VI Section 10 is not applicable.

SECTION 11. SIGNS.

Findings: Any future signs will have to be permitted through CEO and adhere to standards in this section.

Conclusion: The Planning Board concludes the Activity will satisfy Article VI Section 11.

SECTION 12. HISTORIC AND ARCHAEOLOGICAL SITES.

Findings: Activity will be is on an existing commercial property.

Conclusion: The Planning Board concludes Article VI Section 12 is not applicable.

SECTION 13. CONFORMANCE WITH OTHER LAWS, REGULATIONS.

Findings: The Activity will conform to all other laws and regulations.

Conclusion: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 13.

SECTION 14. CLUSTER DEVELOPMENT: RESIDENTIAL AND NON-RESIDENTIAL.

Findings and Conclusion: The Planning Board concludes Article VI Section 14 is not applicable.

SECTION 15. RESERVATION, DEDICATION, AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.

Findings and Conclusion: The Planning Board concludes Article VI Section 15 is not applicable.

SECTION 16. MANUFACTURED HOUSING.

Findings and Conclusion: The Planning Board concludes Article VI Section 16 is not applicable.

SECTION 17. OUTDOOR LIGHTING.

Findings: Applicant proposes no outdoor lighting. If any outdoor lighting is required, Applicant and will have to adhere to outdoor lighting specifications in this section.

Conclusion: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 17.

SECTION 18. ADULT BUSINESS ESTABLISHMENTS.

Findings and Conclusion: The Planning Board concludes Article VI Section 18 is not applicable.

ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE PROTECTION DISTRICT STANDARDS.

Findings and Conclusion: The Planning Board concludes Article VII is not applicable because the Activity will not be in a Shoreland Overlay or Resource Protection District.

ARTICLE VIII. SUBDIVISIONS: PERFORMANCE STANDARDS AND REQUIREMENTS.

Findings and Conclusion: The Planning Board concludes Article VIII is not applicable because the Activity is not a subdivision.

Conditions:

- 1.) Applicant must apply for and receive any permits, including but not limited to Maine D.E.P. Permit by Rule.
- 2.) Outdoor Lighting: Applicant did not propose any outdoor lighting, however, if any outdoor lighting is required, Applicant must adhere to Land Use Ordinance for the Town of Greenville, as amended.
- 3.) Stormwater and Erosion Control: Applicant must adhere to Best Management Practices found in Land Use Ordinance for the Town of Greenville, as amended.
- 4.) The Applicant shall merge the two identified lots prior to issuance of a building permit.

Decision:

By a vote of 5-0, the Planning Board concludes that based on the findings of fact, conclusions, and conditions of approval set forth above, Scott Harding's application has demonstrated that the proposed construction of [2] two 40'W x 60'L commercial storage units will conform with the requirements of the Land Use Ordinance for the Town of Greenville.

A variance/administrative appeal may be requested from the Board of Appeals. An appeal may be made by filing with the Board of Appeals at the office of the Town Clerk. The cost of an appeal is \$100, based on Article II, § 3 of the Land Use Ordinance for the Town of Greenville 2019.

FEE: \$100 - Paid *Permit # 21.96*

Dated at Greenville, Maine
J, 2021

Sincerely,

Greenville Planning Board:

John Contreni, Chairperson

Jonathan Boynton

Lurline Arco, Secretary

Noel Wohlforth,

Joanie Withee

Jenny Ward [Alternate]

John Contreni
Jonathan Boynton
Lurline Arco
Noel Wohlforth
Joanie Withee
Jenny Ward